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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-847**

13 **BECKY LEIGH GORDON**
26152 Buena Vista Court
14 Laguna Hills, CA 92653

A C C U S A T I O N

15 **Registered Nurse License No. 785715**
Public Health Nurse Certificate No. 81359

16
17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about October 19, 2010, the Board of Registered Nursing issued Registered
24 Nurse License Number 785715 to Becky Leigh Gordon (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on December 31, 2013, unless renewed.

27 3. On or about September 19, 2011, the Board of Registered Nursing issued Public
28 Health Nurse Certificate Number 81359 to Respondent. The Public Health Nurse Certificate was

1 in full force and effect at all times relevant to the charges brought herein and will expire on
2 December 31, 2013, unless renewed.

3 JURISDICTION

4 4. This Accusation is brought before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, under the authority of the following laws. All section
6 references are to the Business and Professions Code (Code) unless otherwise indicated.

7 5. Section 2750 of the Code provides, in pertinent part, that the Board may discipline
8 any licensee, including a licensee holding a temporary or an inactive license, for any reason
9 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

10 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
11 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
12 licensee or to render a decision imposing discipline on the license. Under section 2811,
13 subdivision (b) of the Code, the Board may renew an expired license at any time.

14 STATUTORY PROVISIONS

15 7. Section 482 of the Code states:

16 Each board under the provisions of this code shall develop criteria to evaluate
17 the rehabilitation of a person when:

- 18 (a) Considering the denial of a license by the board under Section 480; or
- 19 (b) Considering suspension or revocation of a license under Section 490.

20 Each board shall take into account all competent evidence of rehabilitation
21 furnished by the applicant or licensee.

22 8. Section 490 of the Code provides, in pertinent part, that a board may suspend or
23 revoke a license on the ground that the licensee has been convicted of a crime substantially
24 related to the qualifications, functions, or duties of the business or profession for which the
license was issued.

25 9. Section 493 of the Code states:

26 Notwithstanding any other provision of law, in a proceeding conducted by a
27 board within the department pursuant to law to deny an application for a license or to
28 suspend or revoke a license or otherwise take disciplinary action against a person who
holds a license, upon the ground that the applicant or the licensee has been convicted
of a crime substantially related to the qualifications, functions, and duties of the

1 licensee in question, the record of conviction of the crime shall be conclusive
2 evidence of the fact that the conviction occurred, but only of that fact, and the board
3 may inquire into the circumstances surrounding the commission of the crime in order
to fix the degree of discipline or to determine if the conviction is substantially related
to the qualifications, functions, and duties of the licensee in question.

4 As used in this section, "license" includes "certificate," "permit," "authority,"
5 and "registration."

6 10. Section 2761 of the Code states:

7 The board may take disciplinary action against a certified or licensed nurse or
8 deny an application for a certificate or license for any of the following:

9 (a) Unprofessional conduct, which includes, but is not limited to, the
10 following:

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13 (f) Conviction of a felony or of any offense substantially related to the
14 qualifications, functions, and duties of a registered nurse, in which event the record of
the conviction shall be conclusive evidence thereof.

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17 11. Section 2762 of the Code states:

18 In addition to other acts constituting unprofessional conduct within the meaning
19 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
20 licensed under this chapter to do any of the following:

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23 (b) Use any controlled substance as defined in Division 10 (commencing with
24 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
25 device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner
26 dangerous or injurious to himself or herself, any other person, or the public or to the
27 extent that such use impairs his or her ability to conduct with safety to the public the
28 practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption,
or self-administration of any of the substances described in subdivisions (a) and (b) of
this section, or the possession of, or falsification of a record pertaining to, the
substances described in subdivision (a) of this section, in which event the record of
the conviction is conclusive evidence thereof.

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26 12. Section 2765 of the Code states:

27 A plea or verdict of guilty or a conviction following a plea of nolo contendere
28 made to a charge substantially related to the qualifications, functions and duties of a
registered nurse is deemed to be a conviction within the meaning of this article. The

1 board may order the license or certificate suspended or revoked, or may decline to
2 issue a license or certificate, when the time for appeal has elapsed, or the judgment of
3 conviction has been affirmed on appeal or when an order granting probation is made
4 suspending the imposition of sentence, irrespective of a subsequent order under the
provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his
or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of
guilty, or dismissing the accusation, information or indictment.

5 REGULATORY PROVISIONS

6 13. California Code of Regulations, title 16, section 1444, states:

7 A conviction or act shall be considered to be substantially related to the
8 qualifications, functions or duties of a registered nurse if to a substantial degree it
9 evidences the present or potential unfitness of a registered nurse to practice in a
manner consistent with the public health, safety, or welfare. Such convictions or acts
shall include but not be limited to the following:

10 (a) Assaultive or abusive conduct including, but not limited to, those violations
11 listed in subdivision (d) of Penal Code Section 11160.

12 (b) Failure to comply with any mandatory reporting requirements.

13 (c) Theft, dishonesty, fraud, or deceit.

14 (d) Any conviction or act subject to an order of registration pursuant to Section
15 290 of the Penal Code.

16 14. California Code of Regulations, title 16, section 1445 states:

17

18 (b) When considering the suspension or revocation of a license on the grounds
19 that a registered nurse has been convicted of a crime, the board, in evaluating the
20 rehabilitation of such person and his/her eligibility for a license will consider the
21 following criteria:

22 (1) Nature and severity of the act(s) or offense(s).

23 (2) Total criminal record.

24 (3) The time that has elapsed since commission of the act(s) or offense(s).

25 (4) Whether the licensee has complied with any terms of parole, probation,
26 restitution or any other sanctions lawfully imposed against the licensee.

27 (5) If applicable, evidence of expungement proceedings pursuant to Section
28 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

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1 COSTS

2 15. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(August 10, 2012 Criminal Conviction for DUI on May 20, 2012)**

10 16. Respondent has subjected her registered nurse license and public health nurse
11 certificate to disciplinary action under sections 490 and 2761, subdivision (f) of the Code in that
12 Respondent was convicted of a crime that is substantially related to the qualifications, functions,
13 and duties of a registered nurse. The circumstances are as follows:

14 a. On or about August 10, 2012, in a criminal proceeding entitled *People of the*
15 *State of California v. Becky Leigh Gordon*, in Los Angeles County Superior Court, case number
16 2LT01113, Respondent was convicted on her plea of nolo contendere of violating Vehicle Code
17 section 23152, subdivision (b), driving with a blood alcohol concentration (BAC) of .08 or
18 higher, a misdemeanor. An additional count of violating Vehicle Code section 23152,
19 subdivision (a), driving under the influence of alcohol, was dismissed pursuant to a plea
20 agreement.

21 b. As a result of the conviction, on or about August 10, 2012, Respondent was
22 granted three years summary probation, and ordered to complete a nine-month Licensed First
23 Offender Alcohol and Other Drug Education and Counseling Program, perform 14 days of
24 community service, pay fees, fines, and restitution, and comply with the terms of standard DUI
25 probation. Respondent was further ordered to install an ignition interlock device on her vehicle.
26 The court certified Respondent's BAC as .21 percent.

27 c. The facts that led to the conviction are that on or about the evening of May 20,
28 2012, officers from the El Camino Police Department and the El Segundo Police Department

1 were part of a South Bay DUI Task Force. They observed a vehicle driven by Respondent
2 traveling in front of them at a speed in excess of the posted limit. The vehicle also straddled the
3 lane lines, and weaved within its lane. After conducting a traffic enforcement stop, the officers
4 made contact with Respondent. They immediately observed several physical objective
5 signs/symptoms of alcohol intoxication (bloodshot, watery eyes, slurred speech, odor of an
6 alcoholic beverage, and poor coordination). Based on Respondent's driving, symptoms, and field
7 sobriety tests, she was arrested for driving under the influence of alcohol. Respondent was taken
8 to the Long Beach Police Department for booking where she provided a blood sample that was
9 analyzed with a BAC of .21 percent.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Use of Alcohol in a Dangerous Manner)**

12 17. Respondent has subjected her registered nurse license and public health nurse
13 certificate to disciplinary action under section 2762, subdivision (b) of the Code for
14 unprofessional conduct in that on or about May 20, 2012, as described in paragraph 16, above,
15 Respondent used alcoholic beverages to an extent or in a manner that was potentially dangerous
16 and injurious to herself, and to others.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Conviction of Alcohol-Related Criminal Offenses)**

19 18. Respondent has subjected her registered nurse license and public health nurse
20 certificate to disciplinary action under section 2762, subdivision (c) of the Code for
21 unprofessional conduct in that on or about August 10, 2012, as described in paragraph 16, above,
22 Respondent was convicted of a criminal offense involving the consumption and/or self-
23 administration of alcohol.

24 **PRAYER**

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Board of Registered Nursing issue a decision:

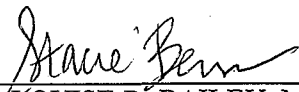
27 1. Revoking or suspending Registered Nurse License Number 785715, issued to Becky
28 Leigh Gordon;

1 2. Revoking or suspending Public Health Nurse Certificate Number 81359, issued to
2 Becky Leigh Gordon;

3 3. Ordering Becky Leigh Gordon to pay the Board of Registered Nursing the reasonable
4 costs of the investigation and enforcement of this case, pursuant to Business and Professions
5 Code section 125.3;

6 4. Taking such other and further action as deemed necessary and proper.
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10 DATED: March 28, 2013


for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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